

O P E  
MAY 17 2004  
PATENT & TRADEMARK OFFICE

## Declaration for Patent Application

Docket Number: 05882.0147.NPUS01

As a below named inventor, I hereby declare that:

My residence and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Diagnosis of ZD1839 Resistant Tumors, the specification of which is attached hereto unless the following box is checked:

was filed on July 31, 2003; as United States Application Number or PCT International Application Number 10/633,486; and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

Yes     No

(Application No.)

(Country)

(Day/Month/Year Filed)

Yes     No

(Application No.)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/400,311

(Application No.)

July 31, 2003

(Filing Date)

(Application No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Appl. No. 10/633,486  
 Docket No. 05882.0147.NPUS01

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jason C. Abair, Reg. No. 44,007  
 Ethan B. Andelman, Reg. No. 48,997  
 Michael J. Bell, Reg. No. 39,604  
 Andrew S. Brenc, Reg. No. 45,534  
 Sean D. Burdick, Reg. No. 51,513  
 Celine T. Callahan, Reg. No. 34,301  
 Jenny W. Chen, Reg. No. 44,604  
 Robin C. Chiang, Reg. No. 46,619  
 Chris Comuntzis, Reg. No. 31,097  
 James F. Davis, Reg. No. 21,072  
 Mark K. Dickson, Reg. No. 32,889  
 Thomas M. Dunham, Reg. No. 39,965  
 Heather H. Fan, Reg. No. 51,664  
 Panpan Gao, Reg. No. 43,626  
 Darren J. Gold, Reg. No. 47,599  
 Alan M. Grimaldi, Reg. No. 26,599  
 J. Jay Giuliano, Reg. No. 41,810  
 Albert P. Halluin, Reg. No. 25,227  
 Leslie L. Jacobs, Jr., Reg. No. 40,659  
 Derek J. Jardicu, Reg. No. 44,483  
 Christopher L. Kclly, Reg. No. 42,714  
 Send Correspondence to:

Brian S.Y. Kim, Reg. No. 41,114  
 Viola T. Kung, Reg. No. 41,131  
 Robert C. Laurenson, Reg. No. 34,206  
 Joseph P. Lavelle, Reg. No. 31,036  
 Don F. Livornese, Reg. No. 32,040  
 Duane H. Mathiowetz, Reg. No. 33,420  
 Christopher A. Mathews, Reg. No. 35,944  
 Matthew J. Moore, Reg. No. 42,012  
 Andrew Y. Piatnicia, Reg. No. 40,772  
 Matthew Rainey, Reg. No. 32,291  
 William C. Rooklidge, Reg. No. 31,791  
 Glenn W. Rhodes, Reg. No. 31,790  
 Michael J. Stimson, Reg. No. 45,429  
 William F. Stryker, Reg. No. 52,258  
 William K. West, Reg. No. 22,057  
 Lorelei P. Westin, Reg. No. 52,353  
 Adam K. Whiting, Reg. No. 44,400  
 Jayna R. Whitt, Reg. No. 47,175  
 Karen K. Wong, Reg. No. 44,409  
 Wallace Wu, Reg. No. 45,380  
 Matthew S. Zics, Reg. No. 47,246

Albert P. Halluin  
 U.S. PTO Customer Number 22930  
 HOWREY SIMON ARNOLD & WHITE, LLP  
 Box No. 34  
 301 Ravenswood Avenue  
 Menlo Park, CA 94025  
 Facsimile (650) 463-8400

Direct Telephone Calls to: (650) 463-8109

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Appl. No. 10/633,486  
Docket No. 05882.0147.NPUS01

Full name of sole or first inventor <b>Daniel Asar</b>	
Inventor's signature	Date
Residence <b>435 Visitacion Avenue, Brisbane, California 94005</b>	
Citizenship <b>Canada</b>	
Full name of second inventor <b>David Agus</b>	
Second Inventor's signature	5-17-04 Date
Residence <b>522 North Crescent Drive, Beverly Hills, California 90210</b>	
Citizenship <b>United States</b>	
Full name of third inventor <b>David H. Mack</b>	
Third inventor's signature	Date
Residence <b>2076 Monterey Avenue, Menlo Park, California 94025</b>	
Citizenship <b>United States</b>	

Appl. No. 10/633,486  
Docket No. 05882.0147.NPUS01

Full name of sole or first inventor <b>Daniel Afar</b>	Date
Inventor's signature 	Date
Residence <b>435 Via Lacion Avenue, Brisbane, California 94005</b>	<b>33832 Whitehead Ln. Fremont, 94055</b>
Citizenship <b>Canada</b>	
Full name of second inventor <b>David Agus</b>	
Second Inventor's signature	Date
Residence <b>522 North Crescent Drive, Beverly Hills, California 90210</b>	
Citizenship <b>United States</b>	
Full name of third inventor <b>David H. Mack</b>	
Third inventor's signature 	<b>2/3/04</b>
Residence <b>2076 Monterey Avenue, Menlo Park, California 94025</b>	
Citizenship <b>United States</b>	

Appl. No. 10/633,486  
Docket No. 05882.0147.NPUS01

Full name of sole or first inventor <b>Daniel Asar</b>	
Inventor's signature 	5/17/04 Date
Residence <b>435 Visitacion Avenue, Redwood City, California 94065</b>	<b>33832 Whitehead Ln. Fremont, 94555</b>
Citizenship <b>Canada</b>	
Full name of second inventor <b>David Agus</b>	
Second inventor's signature	Date
Residence <b>522 North Crescent Drive, Beverly Hills, California 90210</b>	
Citizenship <b>United States</b>	
Full name of third inventor <b>David H. Mack</b>	
Third inventor's signature	Date
Residence <b>2076 Monterey Avenue, Menlo Park, California 94025</b>	
Citizenship <b>United States</b>	